

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FREE SPEECH COALITION, INC., et al.)	Civil Action No. 2:09-4607
)	
<i>Plaintiffs,</i>)	JUDGE MICHAEL M. BAYLSON
)	
-vs-)	<u>PLAINTIFFS' MOTION FOR LEAVE TO</u>
)	<u>FILE <i>INSTANTER</i> THE ATTACHED</u>
THE HONORABLE ERIC H. HOLDER,)	<u>SUPPLEMENTAL AUTHORITY IN</u>
JR., Attorney General,)	<u>SUPPORT OF PLAINTIFFS' MOTION</u>
)	<u>FOR A PRELIMINARY INJUNCTION</u>
<i>Defendant.</i>)	<u>AND PLAINTIFFS' MEMORANDUM IN</u>
		<u>OPPOSITION TO DEFENDANT'S</u>
		<u>MOTION TO DISMISS</u>

Plaintiffs have challenged 18 U.S.C. § 2257 and 18 U.S.C. § 2257A as unconstitutionally overbroad statutes under the First Amendment (in addition to other grounds). In support of their constitutional attack under the First Amendment, Plaintiffs have cited *United States v. Stevens*, 533 F.3d 218 (3rd Cir. 2008) (*en banc*), cert. granted 129 S.Ct. 1984 (2009). See, *Memorandum in Support of Plaintiffs' Motion for Preliminary Injunction; Plaintiffs' Memorandum in Opposition to Defendants' Motion to Dismiss; Plaintiffs' Supplemental Brief*.

Today, the Supreme Court issued its opinion in *Stevens*—affirming the Third Circuit's decision and striking down the federal statute before it as unconstitutionally overbroad under the First Amendment.

Plaintiffs, therefore, seek leave to file the attached supplemental authority discussing this decision as support for their constitutional claims.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on April 20, 2010, the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Lorraine R. Baumgardner

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